

IN THE FAMILY COURT OF THE STATE OF DELAWARE

ORDER AMENDING RULE 39

TO THE FAMILY COURT RULES OF CRIMINAL PROCEDURE

This 30th day of October, 2007, **IT IS ORDERED THAT:**

1. Rule 39 of the Family Court Rules of Criminal Procedure shall read:

Rule 39 Appeals to Family Court.

(a) Time. All appeals to Family Court shall be taken within 15 days from the date of sentence, unless otherwise provided by statute. When an appeal is taken the clerk of the court below shall forthwith transmit the appeal bond and a certified transcript of the record, to the Clerk of the Court.

(b) De novo. The Clerk shall not enter an appeal de novo until the appeal bond and a certified transcript of the record is filed with the Clerk's office. On the entry of an appeal the Clerk shall forthwith give notice in writing thereof to the Attorney General. On receipt of such notice the Attorney General shall promptly file an information with the Clerk's office, whereupon the proceeding will continue in accordance with these rules.

(c) On the record. An appeal on the record shall proceed in accordance with Family Court Civil Rule 72 as it is applicable to criminal cases and is not inconsistent with a statute or these rules.

(d) Stay. An appeal to, or writ of certiorari issuing from, Family Court shall operate as a stay of the judgment and proceedings in the court below on giving the required bond and surety. The decision of the judge of the court below as to bond and surety may be reviewed by a judge of this court.

(e) Assigned counsel. Counsel assigned in other courts to represent an indigent defendant in criminal proceedings shall also represent said defendant on appeal in this court. This court may appoint additional or substitute counsel for the appellant. Fees and disbursements for the representation of an indigent defendant before this court shall be governed by Rule 44.

(f) By the State. The State shall file a notice of appeal under 10 Del. C. § 9902, or an application for appeal under 10 Del. C. § 9903 within 30 days of the entry of the order appealed from. An application for appeal shall contain a statement of the nature of the proceeding below and of the substantial question of law or procedure to be decided. An appeal by the State shall be on the record.

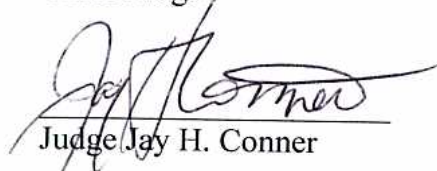
(g) Dismissal. An appeal may be dismissed for lack of jurisdiction or for failure to comply with a statutory requirement or rule or order of this court.

2. This amendment shall be effective 30 days after notice to members of the Bar.

BY THE COURT:



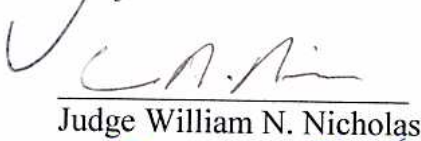
Chandlee Johnson Kuhn
Chief Judge



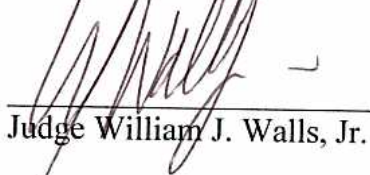
Judge Jay H. Conner



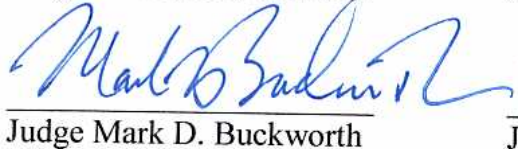
Judge Kenneth M. Millman



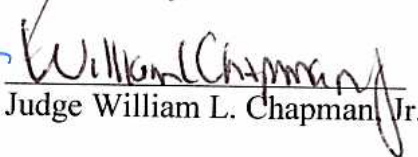
Judge William N. Nicholas



Judge William J. Walls, Jr.



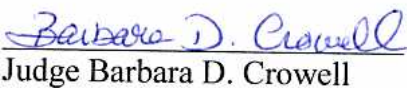
Judge Mark D. Buckworth



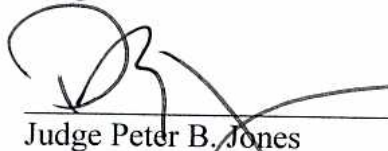
Judge William L. Chapman, Jr.



Judge Aida Waserstein



Judge Barbara D. Crowell



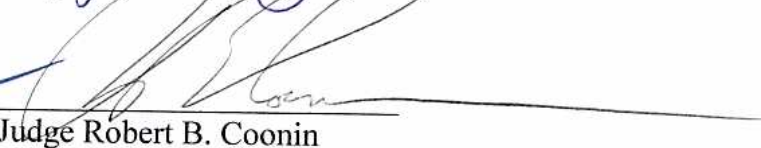
Judge Peter B. Jones



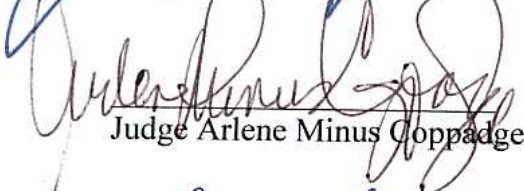
Judge Mardi F. Pyott



Judge John E. Henriksen



Judge Robert B. Coonin



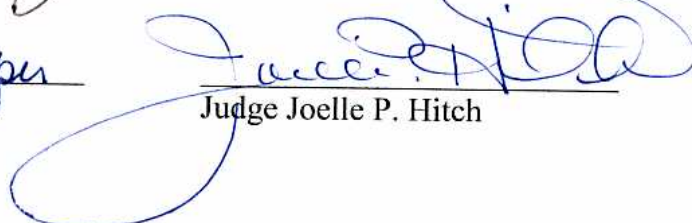
Judge Arlene Minus Coppadge



Judge Michael K. Newell



Judge Alan N. Cooper



Judge Joelle P. Hitch